

REMARKS/ARGUMENTS

Claims 4 and 6 are hereby canceled without prejudice. As a result, claims 1-3, 5 and 7-39 are currently pending in the application. This amendment is being filed with a request for a one month extension to extend the due date from July 16, 2008 to August 16, 2008. Applicant respectfully submits that this amendment is timely filed on Monday, August 18, 2008 since the extended due date of August 16, 2008 fell on a Saturday. A credit card authorization form is enclosed to pay for the fees. Claims 1-39 were rejected in the Office Action mailed April 16, 2008 (hereinafter referred to as "Office Action").

Applicant respectfully submits that the foregoing amendments are fully supported in Figures 17-21, Paragraphs [0069]-[0078] and other parts of the application. For example, Figure 17 shows (in part): a first visual favorable/unfavorable trade indicator 1708a for a series of consecutive first time intervals (five minute time intervals) for EUR/USD currency pair 1700; and a second visual favorable/unfavorable trade indicator 1708b for a series of consecutive second time intervals (ten minute time intervals) for EUR/USD currency pair 1700. Figure 19 shows (in part): a first opening value trend (red line 1906) for the first time intervals (five minute intervals) for USD/CHF currency pair 1704; and a first closing value trend (green line 1908) for the first time intervals (five minute intervals) for USD/CHF currency pair 1704. In view of the following remarks and amendments, applicant respectfully requests a timely Notice of Allowance be issued in this case.

Double Patenting

Claims 1-39 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-39 of copending Application No. 10/691,227. Pursuant to M.P.E.P. § 804 I.B., "provisional" double patenting rejections are to remain in copending applications until one of the applications is ready to issue as a patent. The "provisional" double patenting rejection is then removed from the application that is to issue as a patent and the "provisional" double patenting rejection is converted into a double patenting rejection in the remaining application when the other application issues as a patent. As a result, applicant is not required to "overcome" the "provisional" double patenting rejection of claims 1-39 at this time.

Claim Rejections under 35 U.S.C. § 103

Claims 1-13, 18-30 and 34-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0055899 to Williams (hereinafter referred to as "Williams") in view of Bruce Babcock: Trend Indicators and Price Components: Reality Based Trading Company, 1999 (hereinafter referred to as "Babcock") further in view of U.S. Patent No. 5,347,452 to Bay, Jr. (hereinafter referred to as "Bay"). In addition, claims 14-17 and 31-33 were rejected under 35 U.S.C. § 103(a)

as being unpatentable over Williams in view of Babcock further in view of Bay and further in view of U.S. Patent Application Publication No. 2002/0161692 to Loh et al. (hereinafter referred to as "Loh"). Applicant respectfully submits claims 1-3, 5 and 7-39, as amended, are not obvious over the cited references and are, therefore, allowable under 35 U.S.C. § 103(a) for the reasons stated below

Claims 1, 25 and 39

Applicant respectfully submits that Williams and the other cited references, either alone or in combination, do not disclose, teach or suggest the following elements as recited in claims 1, 25 and 39 as amended:

obtaining . . . at least (a) ***a first set of market data . . . based on a series of consecutive first time intervals*** within the time period comprising a first opening value and a first closing value for each consecutive first time interval, (b) ***a second set of market data . . . based on a series of consecutive second time intervals*** within the time period comprising a second opening value and a second closing value for each consecutive second time interval, and (c) ***the first time interval is not equal to the second time interval;***

calculating a first opening value trend for the first time intervals using a market trend indicator and the first opening values for the currency pair, and ***a second opening value trend for the second time intervals*** using the market trend indicator and the second opening values for the currency pair;

calculating a first closing value trend for the first time intervals using the market trend indicator and the first closing values for the currency pair, and ***a second closing value trend for the second time intervals*** using the market trend indicator and the second closing values for the currency pair;

displaying a first visual favorable/unfavorable trade indicator for the first time intervals based on a comparison of the first opening value trend to the first closing value trend for the currency pair, wherein the first visual favorable/unfavorable trade indicator is ***a first color whenever the first closing value trend is greater than the first opening value trend*** and the first visual favorable/unfavorable trade indicator is ***a second color whenever the first closing value trend is lower than the first opening value trend;*** and

displaying a second visual favorable/unfavorable trade indicator for the second time intervals based on a comparison of the second opening

value trend to the second closing value trend for the currency pair, wherein the second visual favorable/unfavorable trade indicator is ***the first color whenever the second closing value trend is greater than the second opening value trend*** and the second visual favorable/unfavorable trade indicator is ***the second color whenever the second closing value trend is lower than the second opening value trend***.

The Office Action indicated that Williams does not teach: “a visual indicator comparing the opening value trend to the closing value trend for the one or more currency pairs” (page 5, lines 1-2); and “calculating an opening and closing value trend using a market trend indicator and the opening and closing values for the one or more currency pairs” (page 4, lines 12-14). Applicant agrees.

In addition, the Office Action indicated that Williams (paragraph 26) discloses “the visual indicator is a first color whenever the closing value trend is greater than the opening value trend” (page 5, lines 13-14) and “the visual indicator is a second color whenever the closing value trend is lower than the opening value trend” (page 5, lines 14-15). Applicant respectfully submits that Williams discloses a system that displays “financial information pertaining to stock market trading activity” (Abstract, lines 1-3) and allows a user to discern the trading positions of the auction participants via “changes in color of the tabs designating those auction participants” (Abstract, lines 14-17). The system enables “individuals to more easily discern trends in the activity of those stocks” (Abstract, lines 20-22). “Each tab further includes a visual indication which is illuminated whenever a user defined event occurs relative to that stock” (paragraph 12, lines 1-3). “Various . . . regions also make use of colors, and more particularly changes in color, to quickly indicate to the user significant activity occurring relative to a particular stock” (paragraph 26, lines 1-4). The following activities are disclosed: “stock going outside of its 52 week moving average” (paragraph 43, lines 4-5), “the NASDAQ will be closing within ten minutes” (paragraph 45, lines 8-12), movements away from or toward an inside market line or the information becomes stale (paragraph 61, line 6-paragraph 62, line 6), “auction participant refreshes their ask” (paragraph 63, lines 1-2), “number of times the auction participant has been at inside market that day” (paragraph 63, lines 7-9), auction participant switches sides (paragraph 63, lines 13-15), “auction participant has changed its bid or ask price” (paragraph 64, lines 5-6), and the user can specify the colors used for the foregoing indicators that signal important activity of the auction participants (paragraph 65, lines 14-18).

Although, Williams presents information “in a manner which also makes important trends, which are important in making a trading decision, quickly discernable by even non-professionals” (paragraph 85, lines 7-11), the colored tabs/regions of Williams do not disclose, teach or suggest displaying a first visual favorable/unfavorable trade indicator for the first time intervals and a second visual favorable/unfavorable trade indicator for the second time intervals for the currency pair. Accordingly, applicant respectfully submits that Williams, either alone or in combination with the other cited

references, does not disclose, teach or suggest the elements recited in claims 1, 25 and 39, as amended, and that the other cited references do not cure the deficiencies of Williams.

The Office Action indicated that Bay “teaches a visual indicator comparing the opening value trend to the closing value trend for the one or more currency pairs” (page 4, lines 3-4). Applicant respectfully submits that Bay merely discloses “displaying current trade volume against historical trade volume” (col. 1, lines 41-43; col. 2, lines 7-10; col. 3, line 24-27) and “forecasting trade volume in a selected time interval” (col. 1, lines 43-46; col. 2, lines 15-18; col. 3, lines 52-54). As shown in Figure 1A, Bay displays four separate bars indicating the various historical and projected trading volumes (Figures 1 (reference 15); Figure 1A; col. 3, lines 54-65). These bars are not a comparison of the opening value trend to the closing value trend for a first time interval and a second time interval for the currency pair.

Although, Bay discloses the use of opening and closing price values to display well-known candlestick markers (Figure 2 (reference 26); col. 4, lines 28-32), this information is not used to calculate the various historical and projected trading volumes (col. 3, lines 54-65). Moreover these bars are not a visual favorable/unfavorable trade indicator based on such a comparison. Furthermore, these bars only represent a series of consecutive bars for a single time interval (Figure 1 and col. 3, lines 1-6 (“a thirty minute time interval”); Figure 2 (time interval is a day)). As a result, Bay does not disclose, teach or suggest obtaining, calculating opening and closing value trends for two different time intervals, and simultaneously displaying visual favorable/unfavorable trade indicators for the two different time intervals based on the calculated value trends over the same time period for a currency pair. Accordingly, applicant respectfully submits that Bay does not disclose, teach or suggest the elements recited in claims 1, 25 and 39, as amended, and Bay does not cure the deficiencies of Williams or the other references.

The Office Action indicated that Babcock “teaches calculating an opening and closing value trend using a market trend indicator and the opening and closing values for the one or more currency pairs” (page 4, lines 15-16). Although Babcock does generally talk about trend indicators, applicant respectfully submits that Babcock does not disclose, teach or suggest obtaining, calculating opening and closing value trends for two different time intervals, and simultaneously displaying visual favorable/unfavorable trade indicators for the two different time intervals based on the calculated value trends over the same time period for a currency pair. Accordingly, applicant respectfully submits that Babcock does not disclose, teach or suggest the elements recited in claims 1, 25 and 39, as amended, and Babcock does not cure the deficiencies of Williams or the other references.

As a result, applicant respectfully submits that the cited references do not disclose, teach or suggest all the elements recited in claims 1, 25 and 39 as amended. Accordingly, applicant respectfully submits that claims 1, 25 and 39 are not obvious or

the cited references and are, therefore, allowable under 35 U.S.C. § 103(a). Applicant respectfully requests that the rejection of claims 1, 25 and 39 be withdrawn.

Claims 2-3, 5, 7-24 and 26-38

Applicant respectfully submits that claims 2-3, 5, 7-24 and 26-38 depend from claims 1, 25 and 39 which are allowable for the reasons stated above, and further distinguish over the cited references. In addition, applicant respectfully submits that the cited references do not disclose, teach or suggest repeating the claimed steps for different time intervals” as recited in claims 20-22. Claims 2-3, 5, 7-24 and 26-38 are, therefore, allowable under 35 U.S.C. § 103(a). Accordingly, Applicant respectfully requests that any rejection of claims 2-3, 5, 7-24 and 26-38 be withdrawn.


Conclusion

For the reasons set forth above, applicant respectfully requests reconsideration by the examiner and withdrawal of the rejections. Applicant submits that claims 1-3, 5 and 7-39 are fully patentable. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the examiner has any questions or comments, or if further clarification is required, it is requested that the examiner contact the undersigned at the telephone number listed below.

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Respectfully submitted,

CHALKER FLORES, LLP

By 

Daniel J. Chalker
Reg. No. 40,552
Tel.: (214) 866-0001
Fax: (214) 866-0010

2711 LBJ Frwy
Suite 1036
Dallas, Texas 75234